

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Application By BellSouth For)	
Authorization Under Section 271 of the)	WC Docket No. 02-307
Telecommunications Act of 1996 to Provide)	
In-Region, InterLATA Services in Florida)	
And Tennessee)	

COMMENTS OF THE ALLIANCE FOR PUBLIC TECHNOLOGY

The Alliance for Public Technology has consistently urged the Federal Communications Commission (FCC) to pursue the goal of Section 706 of the Telecommunications Act of 1996¹ in every relevant proceeding by encouraging the reasonable and timely deployment of advanced telecommunications capability to all Americans.² Section 706 authorizes the FCC and state telecommunications commissions to use "measures that promote competition in the local telecommunications market or other regulating methods to remove barriers to infrastructure investment," among other means, to achieve the goal of ubiquitous broadband deployment mandated by the Act.

The Alliance for Public Technology (APT) is a nonprofit organization of public interest groups and individuals. APT's members work together to foster broad access to affordable, usable information and communications services and technology for the purpose of bringing better and more affordable health care to all citizens, expanding educational opportunities for lifelong learning, enabling people with disabilities to function in ways they otherwise could not,

¹ 47 USC 157 note.

² See, e.g., Petition of the Alliance for Public Technology Requesting Issuance of Notice of Inquiry and Notice of Proposed Rulemaking to Implement section 706 of the 1996 Telecommunications Act, CC Docket No. 9244 (Feb. 18, 1998) (APT Petition) at 12-13.

creating opportunities for jobs and economic advancement, making government more responsive to all citizens and simplifying access to communications technology. To this end, it is APT's goal to:

make available as far as possible, to all people of the United States, regardless of race, color, national origin, income, residence in rural or urban area, or disability high capacity two-way communications networks capable of enabling users to originate and receive affordable and accessible high quality voice, data, graphics, video and other types of telecommunications services.³

As we have previously stated, the Alliance is not in a position to judge the compliance of any one company with respect to the 14-point checklist of requirements under Section 271, and thus relies upon the expertise of state regulators. We note that the Florida Public Service Commission (PSC) and Tennessee Regulatory Authority (TRA) approved BellSouth's applications and concluded that the company is in compliance with the checklist items in Section 271. According to the TRA, 93 different CLEC's are authorized in Tennessee⁴ and 51 facilities based providers are operating in Florida.⁵ Competitors serve 268,000 access lines in Tennessee and 833,000 access lines in Florida as of December 2001.⁶

In Florida and Tennessee, BellSouth has put in place a Performance Assurance Plan (PAP) that puts 39% of annual in state revenues at risk for non-compliance. These plans are

³ Alliance For Public Technology, *Principles to Implement the Goal of Advanced Service* at 3 (1995).

⁴ Tennessee Regulatory Authority, "Certified CLEC's As Of 2/1/02"

<http://www.state.tn.us/tra/telecomfiles/cleclist.pdf>

⁵ BellSouth, "Brief in Support of Application by BellSouth for Provision of In-Region, Interlata Services in Florida and Tennessee," at 13.

⁶ Federal Communications Commission, "Local Telephone Competition: Status as of December 31, 2001." Wireline Competition Bureau, July 2002. http://www.fcc.gov/Bureaus/Common_Carrier/Reports/FCC-State_Link/IAD/lcom0702.pdf

consistent with the plan utilized in Georgia to prevent backsliding, which has already been approved by the FCC.

More importantly, BellSouth has demonstrated a commitment to increased investment in advanced telecommunications capabilities. According to the company, BellSouth invested almost \$811 million in its Florida network in 2001, including \$63 million for fiber optic deployment. Authorization to provide in-region long distance service in Florida and Tennessee will facilitate Verizon's capacity to build on economies of scale and scope in order to provide a high standard of service and accelerated deployment of advanced technologies to the consumers of Virginia.

In APT's view, Section 271's interLATA prohibitions constrain the widespread deployment of advanced telecommunications infrastructure and therefore undermine Section 706, which seeks to promote investment in ubiquitous high-speed networks. APT maintains the belief that expeditious approval under Section 271 serves the public interest. Such action would advance the goals of Section 706, and reaffirm the Commission's commitment to eliminating regulatory barriers to investment in high-capacity networks.⁷

The Commission again has the opportunity to bolster Section 706's impact by authorizing BellSouth to provide long distance telephone service in Florida and Tennessee. APT strongly urges the Commission to seize this opportunity to increase facilities-based competition for local and long distance service, and promote ubiquitous broadband network deployment so Florida and Tennessee residents, regardless of their income level, location of residence, or physical

⁷ Comments of the Alliance for Public Technology Supporting Bell Atlantic's Request for Authority to Provide Long Distance Service in New York, In the Matter of Application by New York Telephone Company (d/b/a Bell Atlantic-New York) Bell Atlantic Communications, Inc., NYNEX Long Distance Company and Bell Atlantic Global Networks, Inc., for Authorization to Provide In-Region , InterLATA Services in New York, CC Docket No. 99-295 (Oct. 19, 1999))(APT NY Comments) at 2.

disabilities, may improve the quality of their lives through access to new sophisticated telecommunications.

APT has every reason to believe that Florida and Tennessee customers, particularly low volume users, will reap the same gains from lower prices and bundled services that Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, and South Carolina residents are experiencing with BellSouth's entry into those long distance markets. As BellSouth prepared to enter the Georgia long distance market, AT&T unveiled a bundled package of local and long distance services starting at \$29.95 per month.⁸ In anticipation of and in response to SBC's entry into the Texas, Kansas and Oklahoma long-distance markets, incumbent long-distance carriers AT&T, WorldCom, and Sprint began to offer discounts on their regular long-distance plans to customers who also signed up for local service. These discounts are in the form of bundled long-distance monthly fees with local service charges and credits for signing up for a local/long-distance bundle.⁹ These actions demonstrate tangible benefits for consumers because of an increased number of competitors in the long distance market.

As BellSouth deploys its broadband networks, APT encourages the Commission to do all that it can to remove the barriers that inhibit the widest possible extension of these networks.

⁸ "AT&T Offers Georgians a New Choice for Local Phone Service" See <http://www.att.com/news/item/0,1847,4233,00.html>

⁹ AT&T bundles residential local and long-distance service with a plan called "AT&T Local One Rate Texas." See http://www.att.com/local_service/tx/html/index.html (visited Oct. 9, 2000); see also J.G. Smith/Johnson Joint Aff. ¶ 43 (AT&T offers this local one rate only in Texas and New York, the two "states in which the incumbent Bell Operating Company has been given access to AT&T's long distance marketplace"). New York was the first state, followed by Texas, where MCI WorldCom started offering its bundled local and long-distance service referred to as "One Company Advantage." See David DeKok, Competitor Calls on Verizon's Mid-State Clients, Harrisburg Patriot-News, Sept. 14, 2000; Bill Sulon, Telephone Companies Prepare for Battle, Harrisburg Patriot-News, Aug. 27, 2000; see J.G. Smith/Johnson Joint Aff. ¶ 46. And Sprint currently bundles residential local and long-distance service for Texans in five different configurations. See Sprint Local Service – Texas, available at <https://clec.sprint.com/servlet?CLEC?PAGE+TOCOMPARE&MKT=0003?>> (visited Oct. 9, 2000); see J.G. Smith/Johnson Joint Aff. ¶ 45.

Universal deployment will help all consumers, in Florida, Tennessee, and throughout the United States, to enjoy the benefits of advanced telecommunications capability.

APT respectfully recommends that the Commission authorize BellSouth to provide long distance service in Florida and Tennessee

Respectfully requested,

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